UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,497	03/18/2004	Christopher J. Jackson	SUN04-0259	5680

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EXAMINER
GELAGAY, SHEWAYE

ART UNIT	PAPER NUMBER
2137	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2004*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-29* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-29 have been examined.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 11, 22 and 29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 11, 22 and 29 recite "a computer readable medium" wherein the computer readable medium is not defined by the specification as being only storage medium. Applicant's specification on page 11, lines 5-17 teaches, "Suitable computer-media may include ... carrier waves and transmission media (e.g., copper wire, coaxial cable, fiber optics media) A "carrier wave" embodying functional descriptive material is neither a process nor a product and therefore does not fall within one of the four statutory classes of § 101. The claims include a non-statutory subject matter because the full scope of the claim as properly read in light of the disclosure encompasses non-statutory subject matter (i.e. a carrier wave).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chou et al. (hereinafter Chou) US 6,920,106 in view of Beukema et al. (hereinafter

Beukema) US 7,113,995.

As per claims 1, 12 and 23:

Chou teaches an automated method of preventing an endnode in a

communication fabric from receiving an unauthorized communication, comprising:

establishing a first category of management communications to include: a request from

a manager node to an endnode; and a reply from the manager node to a request from

an endnode; (col. 3, line 25-col. 4, line 36; col. 9, line 46-col. 10, line 14) establishing a

second category of management communications to include: a reply from an endnode

to a request from the manager node; and a request from an endnode to the manager

node; (col. 3, line 25-col. 4, line 36; col. 9, line 46-col. 10, line 14) and at a switching

device coupled to a first endnode: (col. 3, line 25-col. 4, line 36; col. 9, line 46-col. 10,

line 14) receiving from the communication fabric a management communication

addressed to the first endnode; (col. 3, line 25- 4, line 36; col. 9, line 46-col. 10, line 14)

discarding the management communication if the management communication is not a

first category management communication. (col. 3, line 25- 4, line 36; col. 9, line 46-col.

10, line 14)

Chou does not explicitly teach determining whether the first endnode is a trusted

endnode and discarding the management communication if the first endnode is not a

trusted endnode. Beukema in analogous art, however, teaches determining whether the first endnode is a trusted endnode and discarding the management communication if the first endnode is not a trusted endnode. (col. 9, line 12-col. 10, line 43) Therefore it would have been obvious to one ordinary skill in the art to modify the method disclosed by Chou with Beukema in order to manage authorized attempts to access a node. (Abstract; Beukema)

As per claims 2, 13 and 24:

The combination of Chou and Beukema teaches all the subject matter as discussed above. In addition, Beukema further teaches classifying each endnode in the communication fabric as either trusted or untrusted. (col. 9, line 12-col. 10, line 43)

As per claims 3, 14 and 25:

The combination of Chou and Beukema teaches all the subject matter as discussed above. In addition, Chou further teaches wherein said classifying comprises: associating with each port of the switching device an indicator configured to indicate whether a node coupled to the port is trusted. (col. 3, line 25-col. 4, line 36; col. 9, line 46-col. 10, line 14)

As per claims 4, 15 and 26:

The combination of Chou and Beukema teaches all the subject matter as discussed above. In addition, Chou further teaches wherein said classifying comprises: classifying the first endnode as a trusted endnode if the first endnode is a manager node. (col. 3, line 25-col. 4, line 36; col. 9, line 46-col. 10, line 14)

As per claims 5, 16 and 27:

The combination of Chou and Beukema teaches all the subject matter as discussed above. In addition, Chou further teaches wherein said classifying comprises: classifying the first endnode as an untrusted endnode if the first endnode is not configured to act as a manager node. (col. 3, line 25-col. 4, line 36; col. 9, line 46-col. 10, line 14)

As per claims 6 and 17:

The combination of Chou and Beukema teaches all the subject matter as discussed above. In addition, Beukema further teaches wherein said determining comprises: reading an indicator associated with a port of the switch to which the first endnode is coupled; wherein said indicator is configured to indicate whether the first endnode is trusted. (col. 9, line 12-col. 10, line 43)

As per claims 7 and 18:

The combination of Chou and Beukema teaches all the subject matter as discussed above. In addition, Beukema further teaches comprising, at the switching device: if the first endnode is trusted, forwarding the management communication to the first endnode regardless of the category of the management communication. (col. 9, line 12-col. 10, line 43)

As per claims 8 and 19:

The combination of Chou and Beukema teaches all the subject matter as discussed above. In addition, Chou further teaches comprising, at the switching device: receiving a second management communication from the first endnode; and discarding the second management communication if the management communication is not a

second category management communication. (col. 3, line 25-col. 4, line 36; col. 9, line 46-col. 10, line 14)

As per claims 9, 20 and 28:

The combination of Chou and Beukema teaches all the subject matter as discussed above. In addition, Chou further teaches wherein the communication fabric comprises a subnet of an InfiniBand communication fabric. (col. 3, line 25-col. 4, line 36; col. 9, line 46-col. 10, line 14)

As per claims 10 and 21:

The combination of Chou and Beukema teaches all the subject matter as discussed above. In addition, Chou further teaches wherein a management communication comprises a communication transmitted on virtual lane 15 of the InfiniBand communication fabric. (col. 3, line 25-col. 4, line 36; col. 9, line 46-col. 10, line 14)

As per claims 11, 22 and 29:

Chou teaches a computer readable medium storing instructions that, when executed by a computer, cause the computer to perform a method of preventing an endnode in a communication fabric from receiving an unauthorized communication, comprising: establishing a first category of management communications to include: a request from a manager node to an endnode; and a reply from the manager node to a request from an endnode; (col. 3, line 25-col. 4, line 36; col. 9, line 46-col. 10, line 14) establishing a second category of management communications to include: a reply from an endnode to a request from the manager node; and a request from an endnode to the

manager node; (col. 3, line 25-col. 4, line 36; col. 9, line 46-col. 10, line 14) and at a switching device coupled to a first endnode: receiving from the communication fabric a management communication addressed to the first endnode; (col. 3, line 25-col. 4, line 36; col. 9, line 46-col. 10, line 14) discarding the management communication if the management communication is not a first category management communication. (col. 3, line 25- 4, line 36; col. 9, line 46-col. 10, line 14)

Chou does not explicitly teach determining whether the first endnode is a trusted endnode and discarding the management communication if the first endnode is not a trusted endnode. Beukema in analogous art, however, teaches determining whether the first endnode is a trusted endnode and discarding the management communication if the first endnode is not a trusted endnode. (col. 9, line 12-col. 10, line 43) Therefore it would have been obvious to one ordinary skill in the art to modify the method disclosed by Chou with Beukema in order to manage authorized attempts to access a node. (Abstract; Beukema)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shewaye Gelagay

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2137